

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

BRIAN CHRISTOPHER HARRIS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

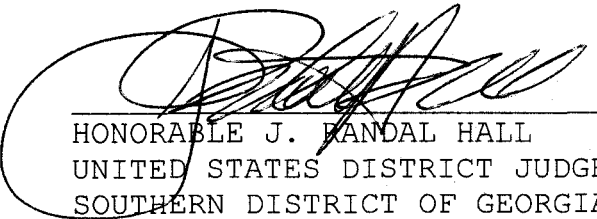
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CV 113-190

O R D E R

Presently pending before the Court is Petitioner's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence. (Doc. no. 1.) Having reviewed the motion, the Court determines that it was incorrectly docketed as a section 2255 motion.¹ Accordingly, this case is **DISMISSED WITHOUT PREJUDICE** and **CLOSED**. The Court will address Petitioner's motion as Rule 35(b) motion in his criminal case, U.S. v. Harris, No. 1:09-cr-73, Doc. no. 424 (S.D. Ga.).

ORDER ENTERED at Augusta, Georgia, this 21st day of October, 2013.


HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA

¹ Although petitioner used a section 2255 form, he unambiguously stated: "I'm seeking relief under Rule 35(b)" and "not attacking my sentence or conviction." (Id. at 12.)